

### **REMARKS**

Applicant has carefully reviewed and considered the Final Office Action mailed on July 15, 2005, and the references cited therewith.

Claims 1, 3, 23, and 25 are amended, and no claims are canceled or added; as a result, claims 1-7, and 9-32 are now pending in this application.

#### **Election/ Restriction**

Restriction to one of the following claims was required by the Examiner:

Species I: A control mechanism including software, claims 1-7 and 9-22.

Species II: A control mechanism including hardware, claims 23-33.

Applicant respectfully requests that the Examiner withdraw the Election/Restriction requirement. The basis for the Examiner requiring restriction was amending independent claim 1 to include the limitation "including software" in the June 20, 2005, response to the preceding Office Action. Applicant has removed this limitation to claim 1 in the present response and has further amended claim 1 to incorporate changes made to claim 23 that result from comments by the Examiner in the July 15, 2005, Office Action. Claim 3 also incorporates changes made to claim 25 that result from comments by the Examiner in the July 15, 2005, Office Action. Therefore, claims 1 and 3 presently have their status identified as "Currently Amended" instead of "Withdrawn" or "Canceled". Claims 2, 4-7, and 9-22 presently have their status identified consistent with what appeared in the June 20, 2005, response; that is, if a claim previously was identified as "Currently Amended", it presently is identified as "Previously Presented", and if a claim was previously identified as "Original", it remains identified as such.

#### **§102 Rejection of the Claims**

Claims 23-33 were rejected under 35 USC §102(b) as being anticipated by Ogawahara, et al. (U.S. Patent No. 6,411,785). Applicant respectfully traverses this rejection as follows.

The Examiner cites the Ogawahara reference as describing, "While ST204 only provides that the control mechanism executes operation for separating pressure roller from fixing roller, separating the pressure roller would reduce the heat

provided by the heater to the pressure roller.” (See page 4, lines 5-8 of the July 15, 2005, Office Action.) The Ogawahara reference Abstract states that:

[A]n abutting-separating device [] makes the external heating member abut or separate from the surface of the fixing roller; and a control unit which controls timing for making the external heating member abut the surface of the fixing roller according to at least one of the surface temperature [sic] of the external heating member and/or fixing roller . . .

The Ogawahara reference appears to describe an abutting-separating device that controls the heat of the fixing roller by controlling the timing of the external heating device abutting or separating from the surface of the fixing roller. The Ogawahara reference does not show lowering or increasing the heat of the external heating device itself as a way to control the heat of the fixing – or pressure – roller.

In contrast, Applicant’s independent claims 1 and 23, as amended, recite:

reducing heat provided by the heater by decreasing the voltage and power applied to the heater when the temperature of either the heater, the fuser roller, and the pressure roller is determined to be above a predetermined temperature.

Similarly, dependent claim 3, as amended, recites:

the control mechanism, after reducing heat provided by the heater by decreasing the voltage and power applied to the heater when the temperature of the heater is determined to be above a predetermined maximum heater temperature, controls the heater to increase heat provided by the heater by increasing the voltage and power applied to the heater when the temperature of the heater is determined to fall below a predetermined target heater temperature.

In addition, dependent claim 25, as amended, contains language equivalent to that just cited for claim 3.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1 and 23, along with those of dependent claims 3 and 25, is not present in the Ogawahara reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection of claims 1, 3, 23, and 25, as well as those claims that depend therefrom.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 13<sup>th</sup> day of September, 2005.

Sarah L. Reinhard  
Name

Sarah L. Reinhard  
Signature

Respectfully Submitted,  
Bartley M. Hirst, et al.

By their Representatives,

BROOKS & CAMERON, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403

By: [Signature]  
Edward J. Brooks III  
Reg. No. 40,925

Date: 9/13/2005